REMARKS

Claim 21 has been amended to recite the mature of the two moieties referred to in the previous version of the claims and to define the nitric oxide formation inhibiting moiety more precisely by incorporating the subject matter of claim 22. The references to "animals" have been replaced by "mammals" for consistency with claim 1 of the original PCT application. In claim 23 reference to prodrugs has been deleted to moot the issue of antecedent basis for this term.

The examiner takes the view that even as amended the specification is not enabling for the full breadth of claim 21's reference to nitric oxide synthase inhibitors. The applicants respectfully disagree for the following reasons:

a) at page 2, lines 5 to 8 the specification teaches in quite general terms that the compounds of the invention reduce the production of nitric oxide by inhibition of nitric oxide synthases.

b) the Chinje and Stratford reference relied on by the Examiner classifies the "three distinctive forms of NO synthase" into constituably expressed, calcium-dependent and inducible calcium-independent forms (page 69, second bullet point) and in the third bullet point on page 69, final sentence, indicates that "tumour cells do express both the constituted and inducible forms of NO synthase".

Hence, an inhibitor of any of the three nitric oxide synthases will reduce the production of nitric oxide and on the basis of the teaching at page 2, lines 5 to 8 of the specification can therefore reasonably be expected to have a therapeutic effect. It is not necessary for the notional skilled man seeking to reproduce the teaching of the present invention to elucidate which form of NO synthase (NOS) is to be inhibited, since inhibition of any one of the three forms will reduce nitric oxide production in tumors to some degree.

The question of what constitutes undue experimentation was considered by the Federal Circuit in *In re Wands*. The factors to be considered were:

(1) the quantity of experimentation necessary: the Examiner hypothesizes much but gives no real basis for this in view of the fact that as noted above the issue is not the mechanism by which nitric oxide synthase is inhibited but whether or not such inhibition occurs;

(2) the amount of direction or guidance provided: page 4 of specification identifies a number of nitric oxide synthase moieties that may constitute moiety B of the present claims.

(3) the presence or absence of working examples: working examples are provided;

(4) the nature of the invention: combination of known elements namely a stilbene moiety with a known type of moiety for inhibiting nitric oxide synthase;

(5) the state of the prior art: nitric oxide synthase inhibitors are known. As discussed above, the different mechanisms of action of different types of nitric oxide synthases should not preclude one skilled in the art from using any of these types of materials;

(6) the relative skill of those in the art: high;

(7) the predictability or unpredictability of the art: becoming developed; and

(8) the breadth of the claims: relatively narrow.

Even applying the Wands factors therefore, it is submitted that the present specification provides one skilled in the art to produce and use the claimed receptors throughout the breadth of the claims.

It is therefore submitted that as amended the requirements of 35 USC 112 have been met.

So far as the issues raised under 35 USC 101 are concerned, the recitation that the compounds are "for" a specified use" has been deleted.

It is therefore submitted that the application is now in order for allowance and an early action this end is respectfully solicited.

Respectfully submitted,

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